

**In-Custody Death of Wakiesha Wilson  
Los Angeles Police Department**

**Detention Officer Tiani Laday, #N4352**

**Detention Officer Eboni Bryant, #N4517**

**Detention Officer Joanna Magana, #N4959**

**Detention Officer Reaunna Bratton, #N4095**

**Detention Officer Mayra Ferman, #N5155**

**Detention Officer Yumiko Bonilla, #N4955**

**Registered Nurse Crystal Jurado**

**Physician Assistant Latonya Hitchcock**

**J.S.I.D. File #16-0197**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**June 15, 2017**

## MEMORANDUM

TO:           COMMANDER ROBERT A. LOPEZ  
                  Los Angeles Police Department  
                  Force Investigation Division  
                  100 West First Street, Suite 431  
                  Los Angeles, California 90012

FROM:         JUSTICE SYSTEM INTEGRITY DIVISION  
                  Los Angeles County District Attorney's Office

SUBJECT:     In-Custody Death of Wakiesha Wilson  
                  J.S.I.D. File #16-0197  
                  L.A.P.D. File #014-00068-3199-499  
                  F.I.D. #F019-16

DATE:         June 15, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 27, 2016, in-custody death of Wakiesha Wilson. It is the conclusion of this office that the manner of Ms. Wilson's death was suicide and there is insufficient evidence to prove beyond a reasonable doubt that anyone, including Ms. Wilson's cellmate, Jazmine M., or any members of the Los Angeles Police Department (LAPD), including LAPD Detention Officers Tiani Laday, Eboni Bryant, Joanna Magana, Reaunna Bratton, Mayra Ferman, Yumiko Bonilla, and LAPD Registered Nurse Crystal Jurado and Physician Assistant Latonya Hitchcock, are criminally liable for Ms. Wilson's death.

The following analysis is based on police reports, medical records, the autopsy report, 54 audiotaped interviews from 48 witnesses, 91 photographs, 88 ½ hours of surveillance videotape from the Metropolitan Detention Center (MDC), surveillance videotape from California Hospital, Digital In-Car Video System (DIVCS) footage, body worn videotape (BWV), two recorded jail telephone calls from Ms. Wilson to her mother, and an inspection of the MDC facility by members of the District Attorney Response Team and members of the District Attorney's and LAPD's executive staff.

The compelled statements of the LAPD detention officers and police officers with knowledge of the incident were also considered.<sup>1</sup>

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<sup>1</sup> Unlike private citizens, public sector employees can be forced to submit to questioning regarding the performance of their official duties and, so long as they are not required to waive their privilege against self-incrimination, their refusal to submit to such questioning can result in administrative discipline including termination from public service. *Gardner v. Broderick* (1968) 392 U.S. 273, 278; *Uniformed Sanitation v. City of New York* (1968) 392 U.S. 280, 284-285. The officers with knowledge of this incident were interviewed and ordered to submit to questioning concerning the performance of their official duties. Like any other individual, the officers possess a right under the Fifth Amendment of the United States Constitution to be free from being compelled to give testimony against themselves. *Uniformed Sanitation v. City of New York, supra*, at 284-285. Because the LAPD ordered the officers to answer questions which might expose them to criminal liability, the LAPD compelled the officers to participate in interviews. The effect of this legal compulsion is that the officers' statements cannot be used against them in a

## FACTUAL ANALYSIS

### The Metropolitan Detention Center (MDC)

The Metropolitan Detention Center is a three-story LAPD jail facility opened in 2011 and located at 180 North Los Angeles Street in downtown Los Angeles. It is designed to house 512 male and female inmates for a short duration before they are transferred to the Los Angeles County Sheriff's Jail facility or otherwise released or transported to court. Females are housed in the east module of the facility, which is separated into four separate blocks designated "A", "B", "C", and "D".

The four blocks are managed by one control tower staffed by at least two detention officers 24 hours a day. There are usually three officers assigned. The officers monitor the cells by either physically entering the dorms/cells, looking through the windows of the cell doors, by observation from the control tower, or by surveillance camera.

The California Code of Regulations, Title 15, Section 1027, mandates hourly safety checks of inmates, which are conducted near the top of the hour. In those safety checks, a detention officer physically enters the cell or dorm to personally check on the well-being of each inmate and to take roll. LAPD policy requires a second safety check to occur at approximately 30 minutes after the Title 15 safety check, which usually occurs near the bottom of the hour. In that check, the officer usually does not physically enter the dorm or cell and the check is done by looking through the dorm/cell window. The checks are recorded manually on an observation log mounted on the door outside of each block.<sup>2</sup>

A and D blocks are open dorm, general population modules. B and C blocks are a combination of single and two person cells. C block is restricted to transgender people.

B block is divided into two tiers. There are eight cells on each level. Each cell is designed to house either one or two inmates. There is a two-person bunk mounted to the wall, a sink, toilet, mirror, intercom system, and telephone mounted to the wall with a twelve-inch metal cable connecting the receiver to the wall-unit. The telephone system automatically records and logs telephone calls. The doors to the cells have an upper and lower window and an unobstructed pass through in a slot in the middle of the door. The intercom system is button operated in the cell with a speaker mounted to the wall. When the button for the intercom is pushed, a visual and audible alarm is received on a computer monitor in the control tower. To communicate with the inmate, the control officer pushes an icon on the computer screen for the cell that is attempting to communicate, which completes the connection. The officer then speaks into a microphone and can have a two-way communication with the inmate. The system is not recorded.

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criminal proceeding, nor can any material derived from the compelled interviews be used against them. *Garrity v. New Jersey* (1967) 385 U.S. 493, 496-497; *Spielbauer v. County of Santa Clara* (2009) 45 Cal. 4<sup>th</sup> 704, 715. Further, because these compelled statements are part of the officers' police personnel file, the statements are confidential and may not be disclosed absent an evidentiary showing and court order. *Penal Code* section 832.7.

<sup>2</sup> A review of the MDC surveillance tape and observation records forms indicates that MDC personnel were in compliance with these mandates in this case.

There are two access points to the upper tier of B block. The primary ingress and egress is a metal stairway connecting the two levels. The second access point is an emergency exit adjacent to one of the cells at the end of the row. That emergency exit is controlled by a double-set of locking metal doors (also known as a “sally port”) that can be opened remotely from the control tower or by using a key. Those doors are kept in a closed and locked position. The on-duty jail staff has access to keys to all locking doors in the module, including a key to the cell doors, which can also be opened remotely from the control tower. The usual method of opening a cell door, for efficiency and officer safety purposes, is to radio the control tower to have the door opened remotely.

There is no automated system that logs when the doors to the cells or the emergency exit doors are opened or closed.

Wilson and her cellmate Jazmine M.’s cell was designated EB.208 which is located on the second tier at the end of the row, adjacent to the sally port and a locked equipment closet.

There are two surveillance cameras located inside of B block. One angle captures part of the upper and lower tiers, the stairway leading to the upper tier, and the outer door of cell EB.208 and the adjacent cells. The second camera angle faces in the opposite direction and does not show the door to cell EB.208 but shows the stairway leading to the second tier.

### **Inspection of the Metropolitan Detention Center**

Members of the District Attorney’s Response Team, LAPD investigators, and members of the District Attorney’s and LAPD’s executive staff inspected the MDC facility, including observing the videotape surveillance system, the receiving area, booking area, elevator system, safety cells in the booking area, medical screening area, and cell blocks “A”, “B”, “C”, and “D” in the east module and the points of ingress and egress into each cell in that module. The team entered the control tower in east block and observed its operation, including viewing the surveillance system and observing and listening to the intercom system. The team also entered Wilson’s cell, observed the telephone and intercom system in that cell, and observed and manipulated the locking mechanism for the door to that cell. Adjacent to Wilson’s cell is an equipment closet and a sally port. Members of the team entered the equipment closet and noted that the only access point into that room is the locking door adjacent to Wilson’s cell. There are no video cameras inside the equipment closet. The locking mechanisms to the sally port and the equipment closet door were also inspected. All of the locking mechanisms appeared to be intact and operational.

### **Wakiesha Wilson’s Background**

Wilson was thirty-six years of age at the time of her death. She was a lifelong resident of Los Angeles and has a teenage son.

According to LAPD records, Wilson was involuntarily confined nine times for mental health issues between June 2010 and September 2015.

Wilson also had contact with LAPD’s Mental Evaluation Unit on October 13, 2015. That contact was generated when Wilson’s family called the police requesting that she be placed

under a mental health hold. The investigation determined that Wilson did not meet the criteria for an involuntary mental health commitment.

Three additional incidents dating between November 2015 and February 2016 illustrate Wilson's ongoing mental health issues, including depression and suicidal thoughts:

On November 16, 2015, Wilson was being treated at Saint Vincent Medical Center when she became verbally abusive with the staff. Wilson accused the doctor of sexually assaulting her brother and pushed the doctor from behind.

On February 7, 2016, Wilson's mother, Lisa H., reported Wilson missing after Wilson had an altercation at her aunt's home in Hemet, California. Lisa H. was concerned her daughter was having a bipolar episode. Wilson was located safe and the missing person case was closed.

On February 23, 2016, Wilson admitted herself into Southern California Hospital in Culver City with feelings of depression and suicidal ideation and a plan to overdose on medication. She was evaluated and transferred to Southern California Hospital in Van Nuys for further treatment.

#### **Friday, March 25, 2016**

On Friday, March 25, 2016, at approximately 9:55 p.m., Wilson arrived at the Dignity Health California Hospital Medical Center Emergency Room complaining of back and chest pain and requesting a pregnancy test. She was admitted for treatment by Doctor Wendy R. and given a hospital bed in the emergency ward.

At approximately 11:15 p.m., Wilson stepped from behind the curtain separating her hospital room and approached Jazmine D., a patient in an adjacent bed. Without provocation, Wilson punched Jazmine D. multiple times in the face using both fists. Jazmine D. may have momentarily lost consciousness during the attack, which was captured on videotape.

Hospital staff responded to the incident and ordered Wilson to stop the attack and return to her bed. Wilson complied and the staff secured her wrists and ankles with soft restraints.

At 11:30 p.m., a secretary at the hospital called 9-1-1 and reported the attack.

At 12:29 a.m., LAPD Central Patrol Officers Daniel Sanchez and Alejandro Gil responded to California Hospital to conduct a battery investigation. After waiving her *Miranda* rights, a calm and cooperative Wilson told the officers she punched Jazmine D. because Jazmine D. had molested her son.

There is no evidence that Wilson actually knew Jazmine D. or her son.

Wilson was arrested for felony battery.

#### **Saturday, March 26, 2016**

Officers Sanchez and Gil transported Wilson to the Central Community Police Station for booking, leaving the hospital at 1:48 a.m. and arriving at the police station at 1:55 a.m.

At 1:58 a.m., Central Patrol Watch Commander Lieutenant Marco Lozano completed Wilson's intake form. Wilson appeared to be coherent, forthright, and understood why she was being arrested. She denied being ill but requested a pregnancy test.

At 2:25 a.m., after the officers completed the arrest paperwork and obtained booking approval, Wilson was transported to MDC and arrived there at 2:44 a.m. Officer Sanchez filled out the designated medical screening forms. Wilson said she had mental health problems but denied feeling suicidal or wanting to hurt herself.

At approximately 3:27 a.m., Medical Services Division Registered Nurse Crystal Jurado evaluated Wilson. Wilson believed she was pregnant. Jurado administered a urine test and determined that Wilson was not pregnant. Wilson told Jurado she had been previously prescribed Abilify (an antipsychotic medication) and had last taken it "tonight." Wilson said she was also taking Sertraline (an antidepressant commonly known as "Zoloft") and had last taken it "earlier Friday." Wilson denied having suicidal thoughts. Jurado determined that Wilson was suitable for placement in general housing.

Wilson was then evaluated by Physician Assistant Latonya Hitchcock, who reviewed Jurado's notes and reiterated to Wilson that she tested not pregnant. Hitchcock noted that Wilson appeared surprised and upset by the results. Hitchcock asked Wilson if she was having any suicidal thoughts or ideations, which is a standard question asked to all inmates. Wilson denied having any suicidal thoughts or ideations. Hitchcock diagnosed Wilson with a psychiatric disorder but believed that Wilson did not display any indication that she was at risk. Wilson was approved for booking, assigned to general housing, and ordered to receive 50 milligrams of Sertraline every day after noon.<sup>3</sup>

At 3:50 a.m., Sanchez and Gil escorted Wilson to the booking area of MDC where she was processed by Senior Detention Officer Renee Pizana. Wilson complained of being cold and Officer Gil provided her with a blue long sleeve shirt from her excess property.<sup>4</sup> Pizana noted on the medical screening form that Wilson's behavior did not suggest a risk of suicide.

At 5:19 a.m., Wilson was escorted to general housing identified as East D block. She selected a top bunk and fell asleep. According to D block surveillance video, Wilson remained asleep until 10:24 a.m.

At 4:48 p.m., Wilson telephoned her mother, Lisa H. During that recorded call, Wilson and Lisa H. discussed the altercation in the hospital, the amount of Wilson's bail, and her upcoming court date on the following Tuesday. Lisa H. said she would be present in court. They wished each other a happy Easter and expressed their love for each other before ending the call.

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<sup>3</sup> At 3:23 p.m., MDC surveillance video shows a staff member distributing medications to D Block inmates and it appears that Wilson received her medication before returning to her bed (Sertraline was found in Wilson's bloodstream at the time of her autopsy).

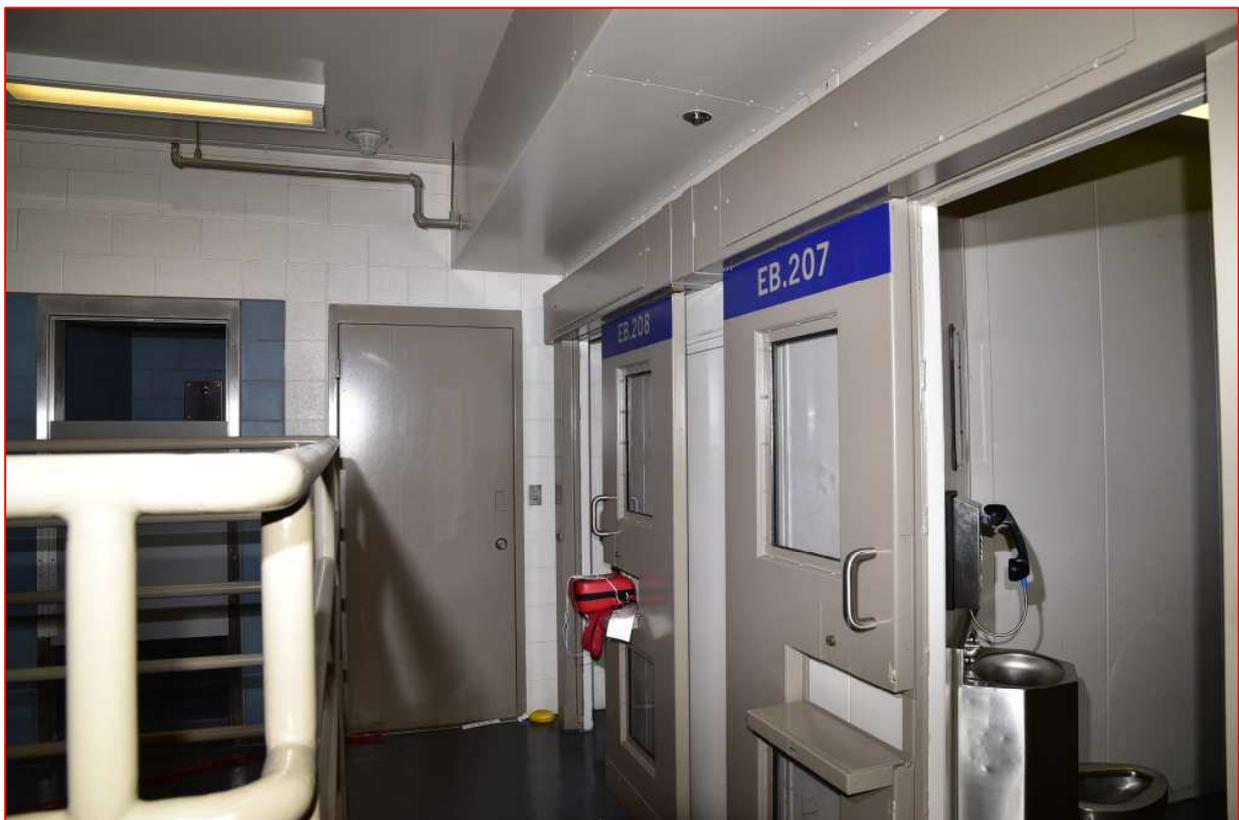
<sup>4</sup> The investigation shows that Wilson later hung herself with this shirt. MDC allowed Wilson to retain her shirt at the time of booking, which does not appear to be a violation of LAPD policy because the shirt did not constitute a security threat (i.e. a cord, string, metal part, gang logo, or racially/ethnically offensive material).

During the day, Wilson reported to jail staff that there was fecal matter on a toilet in D block and it needed to be cleaned. Jail staff noted that the mess did not necessitate calling custodial staff so Wilson's request was declined and she was informed to clean up the mess if she wanted to. Wilson's complaint was passed to the evening shift that commenced at 6:00 p.m. Between 10:24 a.m. and approximately 5:00 a.m. the next morning, Wilson used the restroom 23 times.

Detention Officer (D.O.) Yumiko Bonilla commenced her shift at 6:30 p.m. and came in contact with Wilson during a 7:06 p.m. safety check. Wilson later contacted Bonilla to request her medication before bedtime. Bonilla explained that the dispensary managed the distribution schedule and she was unable to change it. Wilson appeared receptive to her explanation.

### **Sunday, March 27, 2016**

On Sunday, March 27, 2016, at 5:00 a.m., D.O. Eboni Bryant discovered that the upstairs and downstairs toilets in D block were clogged and overflowing. To facilitate the required plumbing repairs, the inmates were moved into two person cells located in B block. Jazmine M. and Wilson were randomly assigned to the first cell, designated EB.208, the exterior of which is shown below:



During the early morning safety checks in B block, Bonilla contacted Wilson at 5:27 a.m., 5:54 a.m., and 6:28 a.m. Bonilla and Wilson casually discussed Wilson's Teenage Mutant Ninja Turtles shirt and the time for returning to D block. Bonilla reported that Wilson seemed relaxed and smiling. When Bonilla returned to the control tower at around 7:30 a.m., Wilson spoke with

Bonilla via the intercom and asked when they would be moved back to D block. Bonilla told Wilson someone would speak with her and she would soon be returned to D block.<sup>5</sup>

At around the same time, while being housed together in the two-person cell, Wilson's cellmate, Jazmine M., observed Wilson behaving erratically and aggressively by banging and kicking on the door. Jazmine M. told investigators that Wilson was yelling, "Let me out! Let me out! I'm suicidal! If you don't let me out, I'm going to hurt my celly [cellmate], so you have to come up here now ... I'm a mental patient! Please let me out! I'm thinking --- I'm having some thoughts of killing myself!" This behavior was not heard or witnessed by MDC personnel or the other inmates interviewed in the investigation.

At 7:25 a.m., D.O. Magana conducted routine safety checks on Jazmine M. and Wilson in cell EB.208 and did notice anything unusual.

Wilson made a second telephone call to her mother, Lisa H., from the telephone in her cell at 7:45 a.m. on Sunday, March 27. During the recorded 47 second conversation, Wilson wished her mother a happy Easter and asked if it was raining. Lisa H. asked Wilson to call back at 6:00 p.m. so the rest of the family could wish her a happy Easter. Wilson asked if her son would be there later for Wilson to speak with him. She was informed that he would not be there. Lisa H. told Wilson she loved her. Wilson asked for the time and Lisa H. said, "It's 7:45. A quarter to 8." Wilson and Lisa H. said "bye" to each other and ended the call.<sup>6</sup>

Jazmine M. said that after that telephone call, she woke up to find Wilson sitting near the cell door with a shirt wrapped around her neck, stating, "I'm about to take my life." When Jazmine M. told Wilson to stop, she complied by removing the shirt from her neck. Jazmine M. thought that Wilson was just being "dramatic" and wanted attention.

At 7:51 a.m., Magana went to EB.208 to move Jazmine M. back to D block in general housing. Because of her earlier erratic behavior, Wilson was to remain in EB.208 so she would not be a distraction to the other inmates in general housing. Wilson was sitting on the floor of the cell and refused to move when instructed by Magana. Magana removed Jazmine M. from the cell and locked the door. Wilson was alone in the cell at that point.

A frame from the surveillance videotape showing Magana removing Jazmine M. from the cell and locking the door behind her is shown below:

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<sup>5</sup> The intercom system between the cells and the control tower is not recorded.

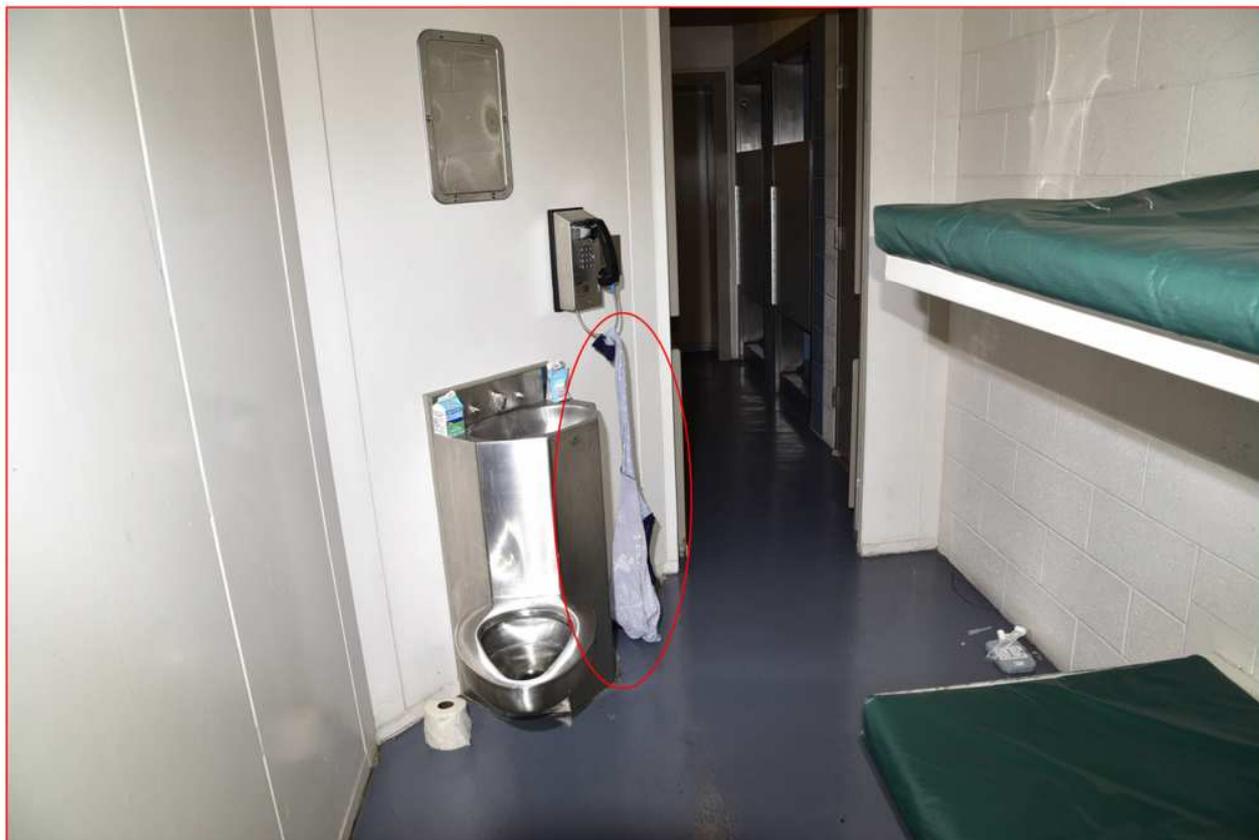
<sup>6</sup> According to telephone records, Wilson called Lisa H.'s telephone number 10 times over approximately a 24-hour period. Two of those telephone calls were completed.



At 8:26 a.m., D.O Tiani Laday was conducting a routine safety check of Wilson’s cell when she looked into the cell and discovered Wilson unresponsive and lying on the floor under the telephone. Laday called D.O. Bratton for assistance, who called Magana to open the cell door. A frame from the surveillance videotape showing Laday discovering Ms. Wilson unresponsive and Bratton responding to assist is shown below:



When Bratton and Laday entered the cell, they discovered Wilson on the floor with a long sleeve shirt wrapped around her neck and secured to the cable of the in-cell telephone. The interior of the cell is shown below and shows the shirt Wilson attached to the telephone cable:



Laday immediately unwrapped the shirt and checked for Wilson's vital signs. She did not detect a pulse. D.O. Samuel Saucedo arrived as back up from the medical dispensary and began to administer CPR while Laday opened Wilson's airway.

D.O. Christopher Aragon also responded to Bratton's call for medical assistance. When he arrived with a gurney he entered B block through the sally port adjacent to EB.208. The door was opened for him upon his arrival indicating the sally port doors were closed and locked at the time Wilson was found unresponsive in her cell.

At 8:30 a.m., Nurse Practitioner Michael Forbes and Registered Nurses Arturo Norona and Susanna Kiely also arrived to provide emergency medical treatment, including deploying an Automated External Defibrillator. Wilson remained unconscious and without a pulse.

The jail medical staff continued to administer life saving measures until LAFD personnel arrived at 8:43 a.m. and assumed the care of Wilson.

At 9:00 a.m., LAFD transported Wilson to the Los Angeles County University of Southern California Medical Center, arriving at 9:09 a.m.

Wilson failed to respond to emergency medical treatment and was pronounced deceased at 9:24 a.m.

### **Statement of Nurse Crystal Jurado**

Jurado was working as a registered nurse at the MDC dispensary during the early morning hours of Saturday, March 26, 2016. At approximately 3:30 a.m., Jurado conducted Wilson's initial medical screening and determined that Wilson was eligible for general housing. However, she noted during her interview with investigators that Wilson was "very adamant about a [pregnancy] test result being a certain result that wasn't," which indicated to Jurado the likely presence of some mental illness. On the topic of Wilson's suicide risk, Jurado made clear that Wilson would not have been cleared for general housing if she gave any indication of suicidal thoughts or ideations during the medical screening process.

Jurado's notes on the medical record form indicate that Wilson denied any prior mental history, was possibly pregnant, was taking Abilify in an unknown amount and last used it "tonight", and was also taking Sertraline and last took that medication "earlier Friday." Wilson also denied any suicidal ideation.

### **Statement of Physician Assistant Latonya Hitchcock**

Hitchcock was the MDC Dispensary's assigned physician assistant during the early morning hours of March 26, 2016. She conducted Wilson's secondary medical screening. Hitchcock reiterated that Wilson was adamant that her pregnancy test result was incorrect. Upon reviewing her prior medical records, Hitchcock discovered that Wilson had a previously diagnosed mental health condition coupled with "noncompliance with medications." Hitchcock said that any patient demonstrating suicidal thoughts would be housed in a "safety cell" for frequent medical checks and evaluations.<sup>7</sup> Hitchcock, like Jurado, approved Wilson for general housing and prescribed her a daily dose of 50 milligrams of Sertraline.

Hitchcock's notes on the medical record form indicate that Wilson denied any suicidal ideation but diagnosed Wilson with a psychiatric disorder.

### **Statement of Jazmine M.<sup>8</sup>**

On March 27, 2016, Jazmine M. provided an audiotaped statement to investigators.

Jazmine M. was originally housed with Wilson and the other inmates in the dormitory in D block. She was moved to B block with Wilson and the other inmates and shared cell EB.208 with Wilson while the plumbing problem in D block was repaired.

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<sup>7</sup> A safety cell is a locked cell with a windowed door, bare walls, and no furniture or other amenities or objects that can be used as an "anchoring device" that suicidal people might use to hang themselves. There is a drain in the middle of the floor and an interior surveillance camera.

<sup>8</sup> Jazmine M. had been arrested for attempted robbery. That case was ultimately referred to the City Attorney. She has no other known criminal record. Jazmine M. is possibly transient and attempts to locate and re-interview her have been unsuccessful.

Jazmine M. said that when she was in cell EB.208, Wilson was “aggressive, hyper, and unable to relax.” Wilson wrapped her shirt around her neck and was threatening to attack Jazmine M. and staff in order to get out of the cell. Wilson did not like being in the small cell and made calls over the intercom, yelling, “Let me out! Let me out! I’m suicidal! I’m a mental patient! Please let me out. I’m thinking --- I’m having some thoughts of killing myself!” When investigators asked if Wilson made that statement over the intercom, Jazmine M. said, “I believe so.”

Jazmine M. did not report Wilson’s behavior to jail staff because she thought Wilson was being dramatic, and she thought they would be returned to D block soon and Wilson would calm down.

Jazmine M. said she believed that Wilson was not allowed to relocate to D block because she was threatening staff.

At approximately 7:30 a.m., Jazmine M. heard Wilson make a relaxed phone call to her mother, discussing Easter plans and sharing their love for each other. Shortly after the call, Wilson began to behave strangely again and started to wrap her long sleeve button down shirt around her neck, pulling on the ends to tighten it around her neck and yell, “I’m about to take my life!” Jazmine M. said she woke up to the commotion and told Wilson, “Stop! Don’t do that. Please don’t take your life.” Wilson removed the shirt from around her neck.

A short time later, Jazmine M. was removed from EB.208 and returned to D block.

When Jazmine M. left the cell, Wilson was alone in the cell and standing near the door.

Jazmine M. denied being in any physical altercation with Wilson.

### **Statement of Cinthya R.**

On July 21, 2016, Cinthya R. provided an audiotaped statement to investigators.

Cinthya R. was housed with Wilson and the other female inmates in D block and was moved to B block with the other inmates after the plumbing problem occurred. It is unknown which cell Cinthya R. was assigned to in B block.

Cinthya R. believed that Wilson caused the plumbing problem. She identified Wilson from a photograph and said she remembered her. Wilson originally looked “nice” but “lost it” after the toilet incident. Wilson would be acting fine but then would “snap.” Wilson was acting “crazy” and was “taken away” after banging on the wall and asking for toilet paper. Wilson went “berserk” and was moved. Wilson was “screaming and hollering” and using offensive language. She called the officers “pieces of shit” and was screaming that the officers did not care about the inmates. No officers were present when she was making those statements. The other inmates asked Wilson to calm down because she was going to get them in trouble but Wilson “did not care.” Cinthya R. did not know if Wilson wanted to hurt herself or anyone else. She did not tell the officers about Wilson’s conduct because she believed someone else called the officers. When the officers addressed Wilson they were “professional” and told Wilson there was no need to cause a “ruckus.”

Wilson was taken away and Cinthya R. did not see her again.

When Cinthya R. was moved to B block with the others it was “dead silent” because everyone was napping. When they awoke they were returned to D block. When she was returned to D block, there was a different woman who said she wanted to hurt herself and that inmate was removed.

Cinthya R. never heard Wilson say anything, at any point, about wanting to hurt or kill herself.

### **Statement of Cynthia M.**

On August 19, 2016, Cynthia M. provided a telephonic, audiotaped statement to investigators.

Cynthia M. was housed in D block with Wilson and approximately ten other inmates and was moved from D block to B block with Wilson and the other inmates while the plumbing problem was being fixed. It is unknown which cell she was assigned to in B block.

She did not hear about any incidents with any of the other inmates at any time and did not hear any of the other inmates talking about wanting to hurt themselves, nor were any of the other inmates causing any problems.

### **Statement of Delaney R.**

On September 6, 2016, Delaney R. provided an audiotaped statement to investigators.

Delaney R. said she has a “really bad memory” but remembered being confined at LAPD on Easter Sunday and was moved from a larger pod (D block) to smaller cells (B block) with some other inmates when there was flooding from a toilet in D block. It is unknown which cell she was assigned to in B block.

All of the inmates were moved to single/double cells (B block) for a short time. The inmates were upset about having to move. Delaney R. recalled seeing Wilson during that time frame but did not remember anything specific about her because Delaney R. was withdrawing from heroin and sleeping most of the time. She did not remember any other incidents.

### **Statement of Belkin M.**

On September 15, 2016, Belkin M. provided a recorded statement to investigators through a Spanish interpreter.

Belkin M. was originally housed with Wilson in D block and was moved temporarily with the others to B block while the plumbing problem was being fixed. When she was moved to B block, she was assigned to a cell on the lower level (Wilson’s cell was on the upper level).

Belkin M. believed that it was Wilson who clogged the toilet in the upstairs restroom in D block.

Belkin M. remembered Wilson and said Wilson told her that the upstairs bathroom in D block was “nasty.” Wilson asked Belkin M. for her milk that was provided with a meal. She also asked for paper. Belkin M. gave Wilson her milk. She said Wilson looked “desperate” and

“very, very disturbed.” She looked anxious and was walking in circles and yelled something like, “Deputy! Deputy!”

Wilson did not say anything about wanting to hurt or kill herself. She did not see any problems between Wilson or any other inmates.

**Statement of Samantha G.**

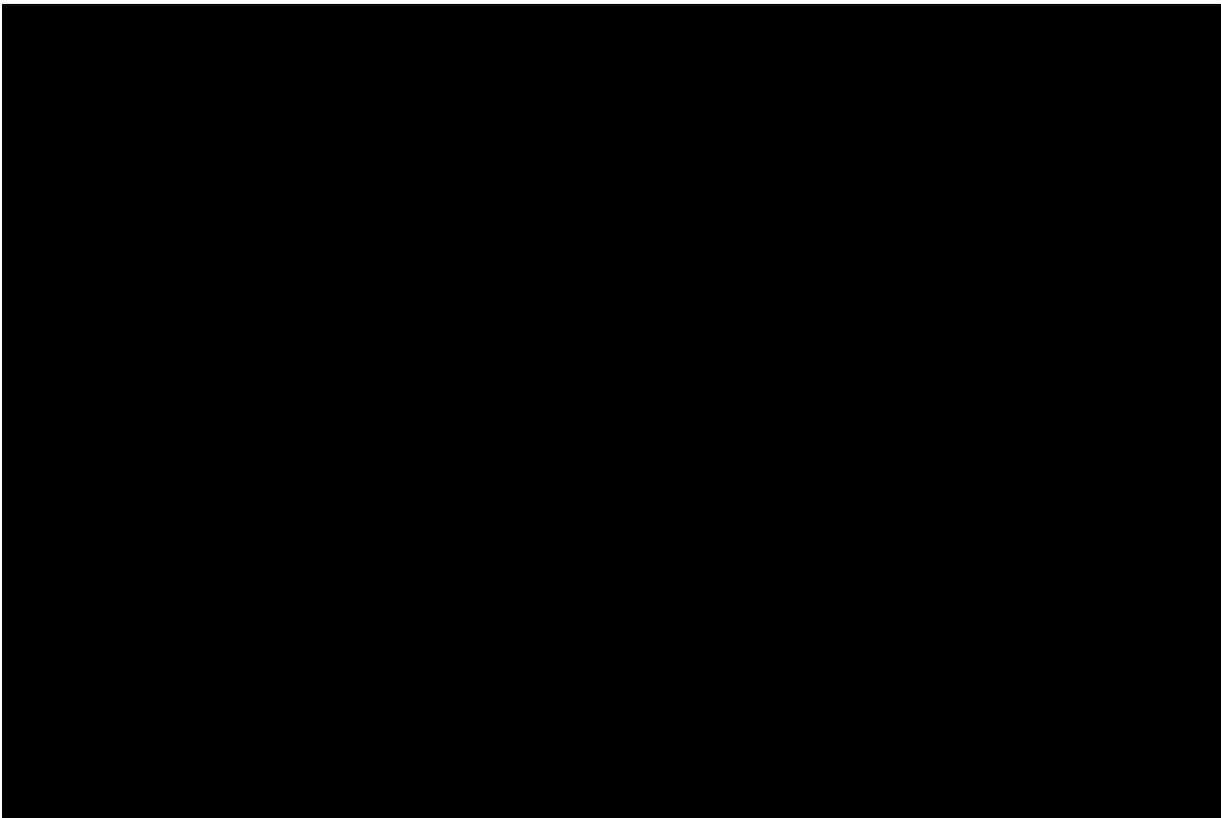
On September 8, 2016, Samantha G. provided an audiotaped interview to investigators.

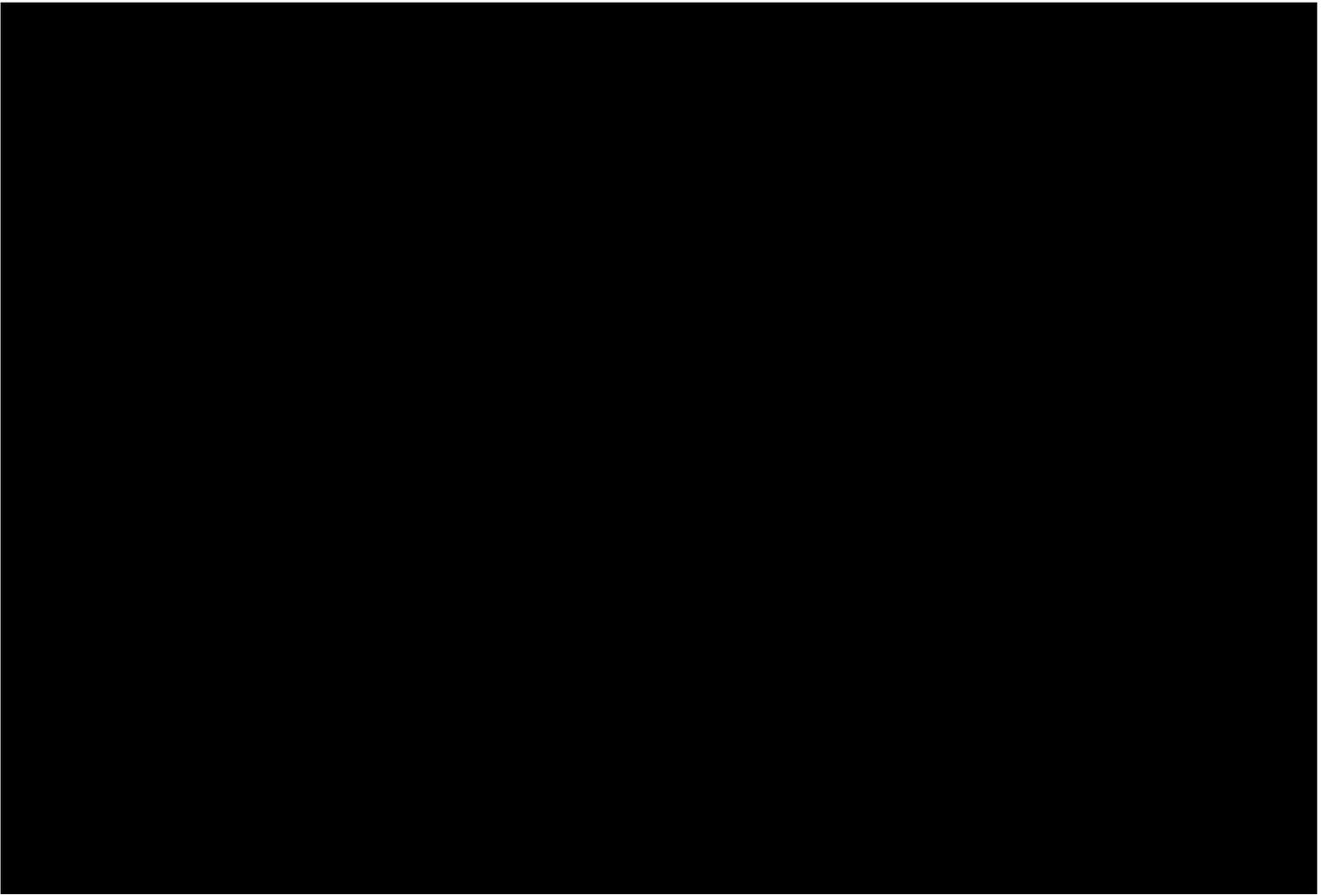
Samantha G. was originally housed in D block with the other female inmates. She was “coming down” off of drugs and was sleeping most of the time. When she was in D block with the others something happened that caused them to be moved. She did not recall any of the inmates having any problems with each other or with the staff. She did not remember anyone yelling or causing trouble or fighting with each other. Samantha G. did not remember what happened but everyone was moved to two-person cells. She did not recall the toilets being flooded. She was assigned to a cell on the upper level of B block by herself and when she entered her cell she went right to sleep.

Samantha G. recognized Wilson from a photograph but did not recall Wilson talking to her or anyone else.

**Statement of D.O. Yumiko Bonilla**

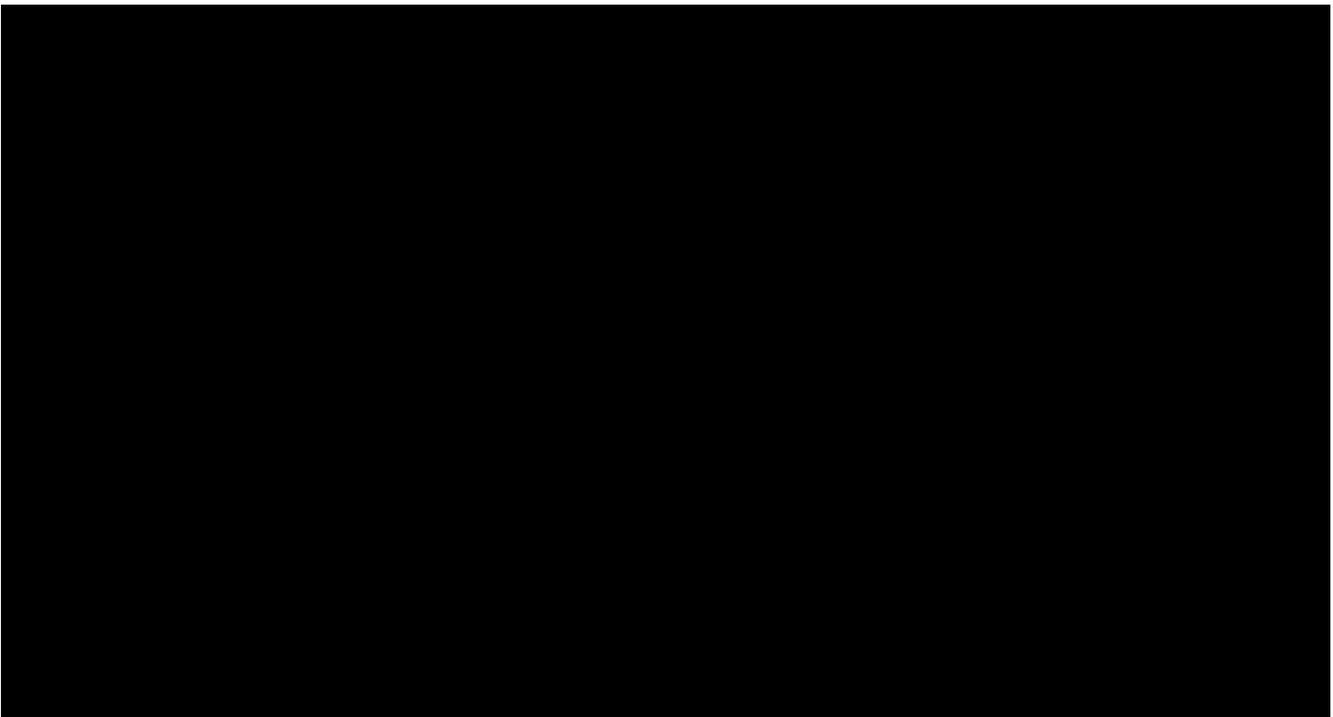
Bonilla provided a compelled statement to investigators.





**Statement of D.O. Eboni Bryant**

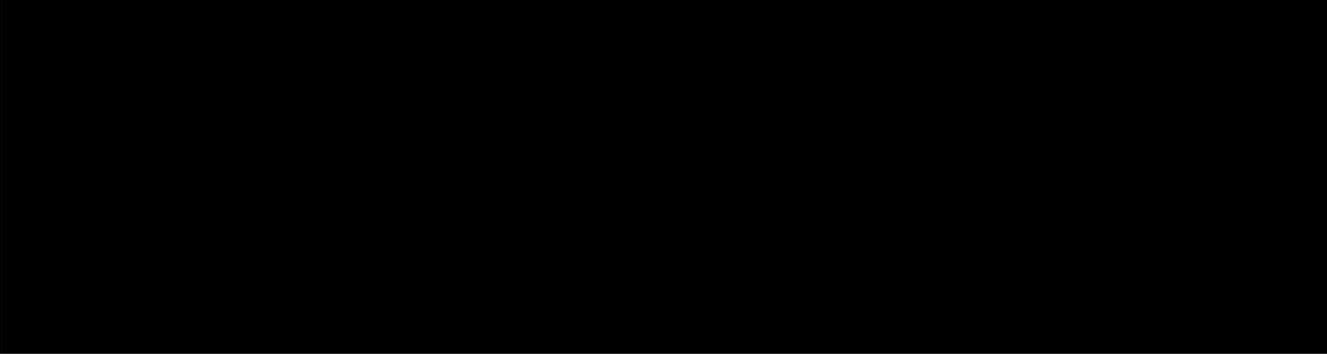
Bryant provided a compelled statement to investigators.





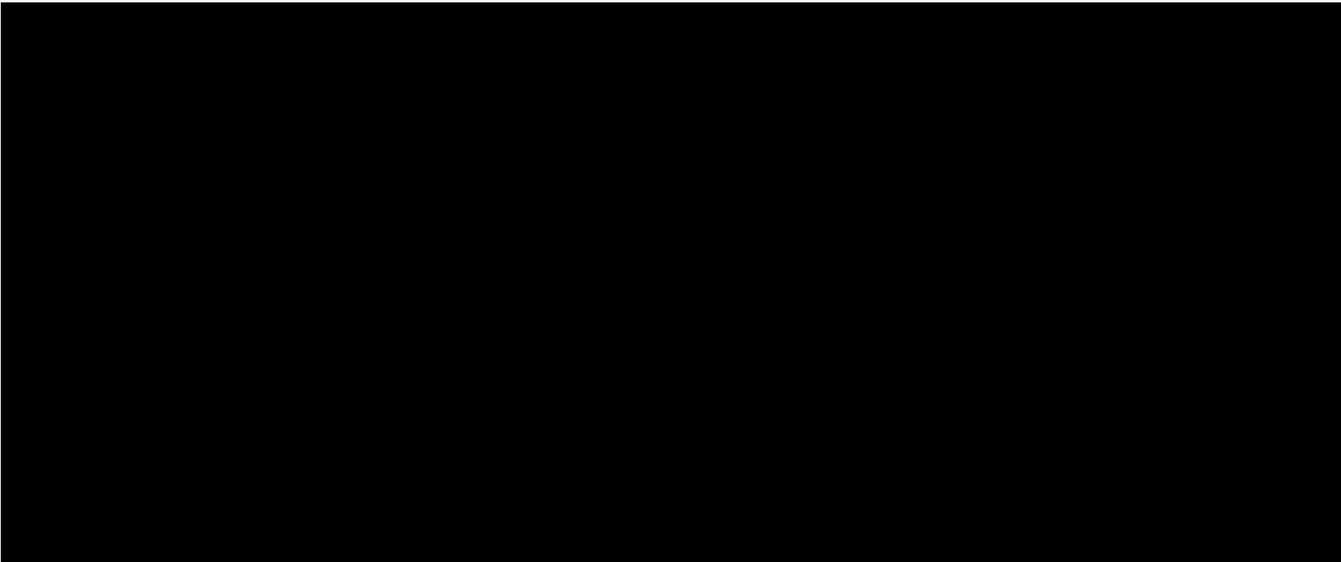
**Statement of D.O. Mayra Ferman**

Ferman provided a compelled statement to investigators.



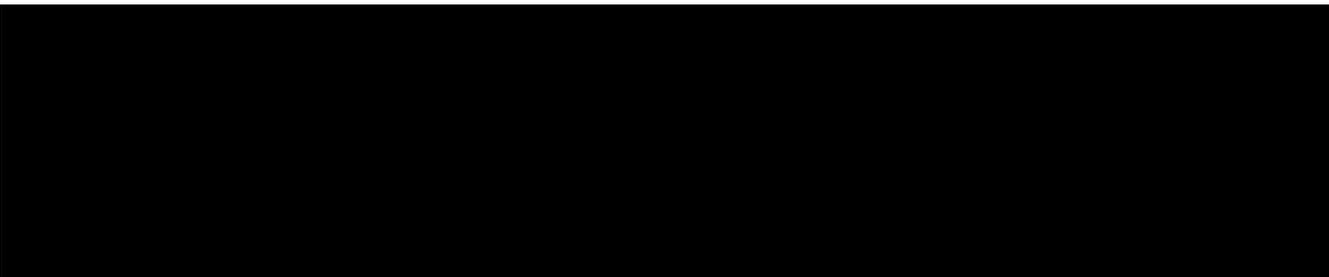
**Statement of D.O. Joanna Magana**

Magana provided compelled statements to investigators.



**Statement of D.O. Tiani Laday**

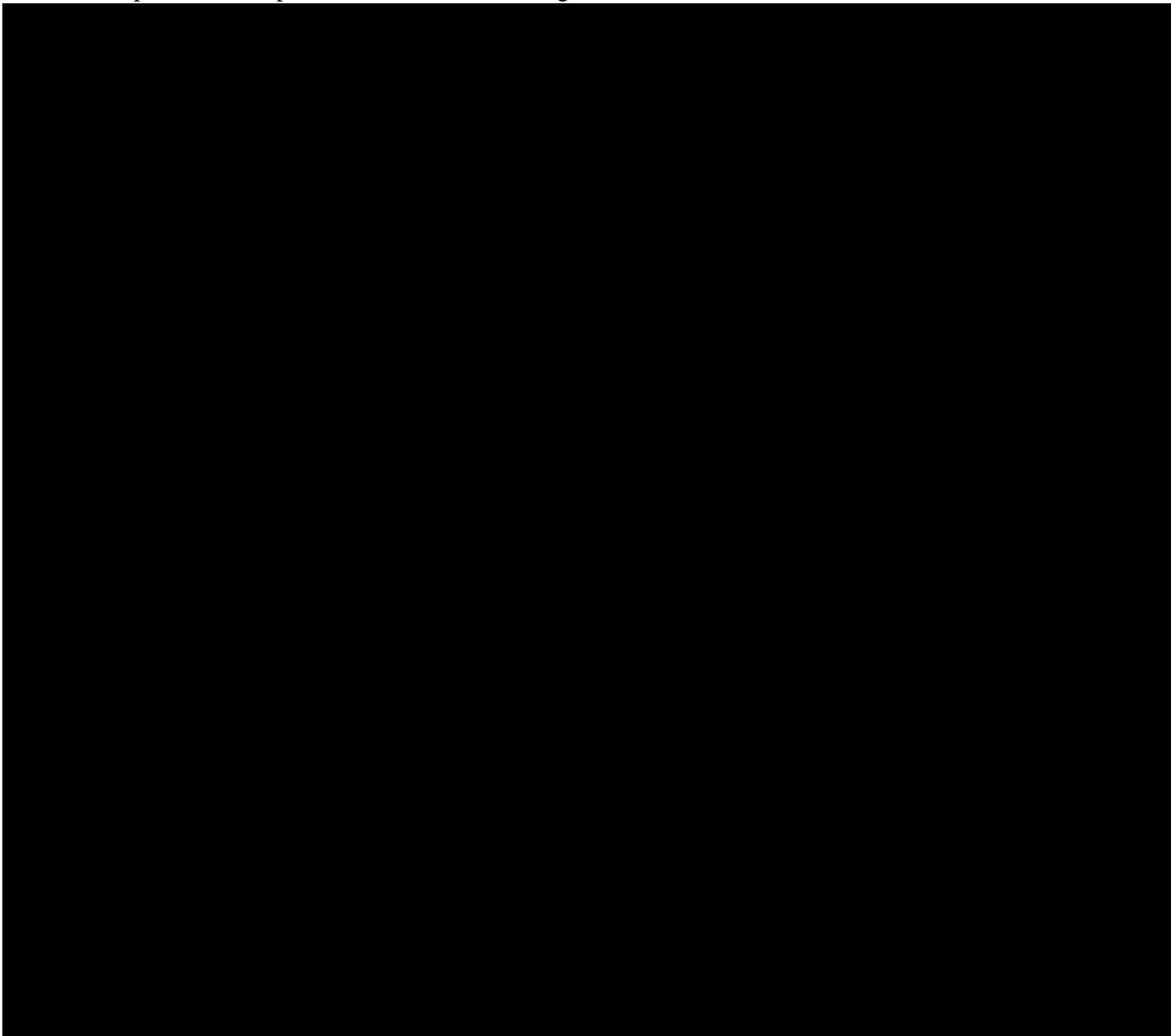
Laday provided compelled statements to investigators.





**Statement of D.O. Reanna Bratton**

Bratton provided compelled statements to investigators.



### **The MDC Surveillance Videotape**

There are over 200 surveillance cameras at MDC. Approximately 88 ½ hours of videotape surveillance footage were recovered from 28 cameras showing Wilson's movements through the jail and reviewed as part of this investigation. There is no audio. The videotape evidence is consistent with the chronology of events presented by the other evidence in the investigation. None of the cameras were positioned inside of cell EB.208 or at an angle to capture activity directly inside of cell EB.208.

LAPD investigators collected videotape solely from areas where Wilson was present while at MDC. They did not collect videotape where she was not present, including from the sally port area adjacent to her cell. There is a camera that covers that area but that videotape was not collected and is no longer available.

Of the videotape collected from the 28 cameras, two camera angles are the most illustrative, as follows:

The first camera angle shows the door of EB.208, the stairs leading to that cell and the adjacent cells, and the equipment closet and sally port area adjacent to cell EB.208. However, there appears to have been a technical issue while downloading the videotape from this camera angle, which caused 21 minutes of the videotape from this camera to be deleted between 7:08 a.m. and 7:29 a.m. on Sunday. Between 7:29 a.m. and 7:51 a.m. there is no activity around the door of EB.208 or the adjacent cells or stairway until Jazmine M. exits the cell to be relocated at approximately 7:51 a.m. Although the quality of the videotape is poor, there appears to be movement in cell EB.208 after Jazmine M. exits the cell, based on a change in the shadow in the lower window in the door of the cell, which is consistent with Jazmine M.'s statement that Wilson was standing near the door when she exited. It is also consistent with Magana's statement that Wilson was sitting on the floor and Jazmine M. had to step over Wilson to exit the cell. A frame of the videotape taken shortly after Jazmine M. exits the cell shows no shadowing

in the lower window of the cell door. Approximately one minute later, after Jazmine M. exits the cell and a neighboring inmate is leaving her cell, there appears to be a shadow in the lower window of the cell door which indicates that Wilson was alive and moving around the cell after Jazmine M. exited the cell.

The second camera angle shows the stairs leading to cell EB.208 but does not show the door of EB.208, the equipment closet next to it, or the sally port area. That stairway is the primary ingress and egress to the upper level of the unit where EB.208 is located and the videotape shows that no one went up or down the stairs during the 21-minute period that is missing from the first camera angle.

Based on a review of all of the evidence in the case, including a review of surveillance videotape from both camera angles, Wilson was alive when Magana removed Jazmine M. from the cell, and no one entered or exited the cell until approximately 8:26 a.m. when Laday found Wilson unresponsive.

### **The Missing 21 Minutes of Surveillance Videotape**

On April 5, 2016, investigators from the LAPD Force Investigation Division (FID) contacted the Technical Investigation Division (TID) Electronics Unit and requested a technician to retrieve all of the MDC surveillance videotape depicting Wilson's movement and housing at MDC. TID referred the investigators to the Facilities Management Division, which has the responsibility for retrieving surveillance videotape from LAPD facilities.

In the meantime, MDC personnel were aware of FID's desire to collect all video related to Wilson so on March 27, 2016, MDC Sergeant Maria Morrison, at the direction of FID investigators, was tasked with collecting and saving the videotape at MDC relevant to Wilson's movements. Morrison located relevant videotape and preserved it on a file on the desktop of the computer system. That video was reviewed by FID on March 27. Detention Center Senior Detention Officer Shawn Anderson was then assigned the task of conducting another search of the surveillance system to ensure that all video had been collected. He searched through the video files from 28 cameras to locate the relevant video files, which were voluminous, and dropped those files into the file that had already been created by Morrison.

On April 14, 2016, Anderson completed the task of retrieving and downloading approximately 88.5 hours of saved videotape to eight compact discs.

FID investigators then reviewed the eight CDs and located on one of the CDs videotape of the door of cell EB.208 (Wilson's cell) spanning from 5:09:00 a.m. to 7:08:59 a.m. on March 27. On a second CD, investigators located videotape surveillance of the door of EB.208 from 7:29:59 a.m. to 9:29:59 a.m. It was discovered at that time that 21 minutes of videotape was unaccounted for, specifically the time from 7:08:59 to 7:29:59 on March 27. Investigators immediately contacted MDC and determined that the missing 21 minutes of videotape was not copied to the file that had been created on the system's desktop to save the videotape. In an attempt to locate the missing videotape in the surveillance system computer database, investigators met with Hector Esquivel, a representative of ASSI Security Incorporated, the private vendor that installed and maintains the MDC video system. Esquivel said the system is configured to archive videotape for 30 days. After that period, the archived video is no longer

saved and would be recorded over, thereby rendering it irretrievable. The discovery of the missing video file occurred approximately 60 days after the date of Wilson’s death. Esquivel conducted an internal system analysis at the desktop and in his opinion, after conducting his search and analysis, believed the missing 21 minutes had been recorded over.

Investigators then contacted LAPD Information Technology Bureau Sergeant Daniel Gomez to determine if the missing videotape could be recovered from the computer system. Gomez, after contacting the FBI Computer Forensics Laboratory, concluded that the missing 21 minutes of videotape was recorded over and not retrievable.

Based on a review of the totality of the circumstances, it appears that the file containing the missing 21 minutes of videotape was inadvertently deleted when Anderson transferred the video files into the file already created by Morrison, and the internal memory of the computer system was recorded over after 30 days, rendering the missing 21 minutes of videotape not retrievable.

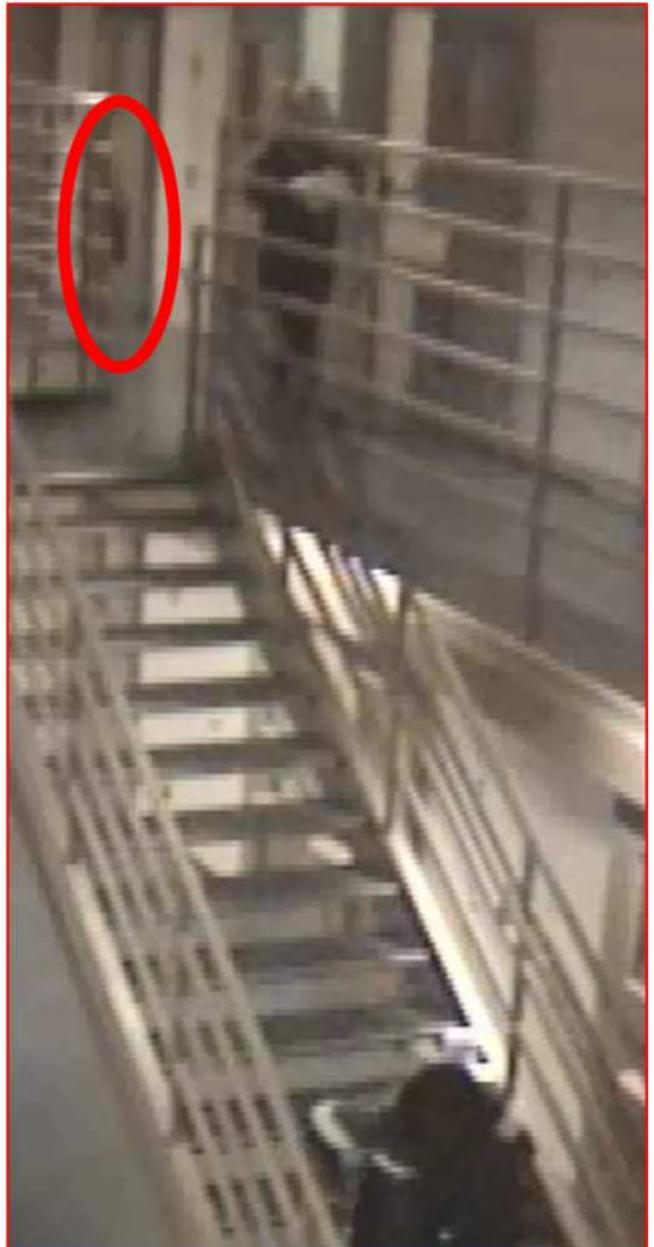
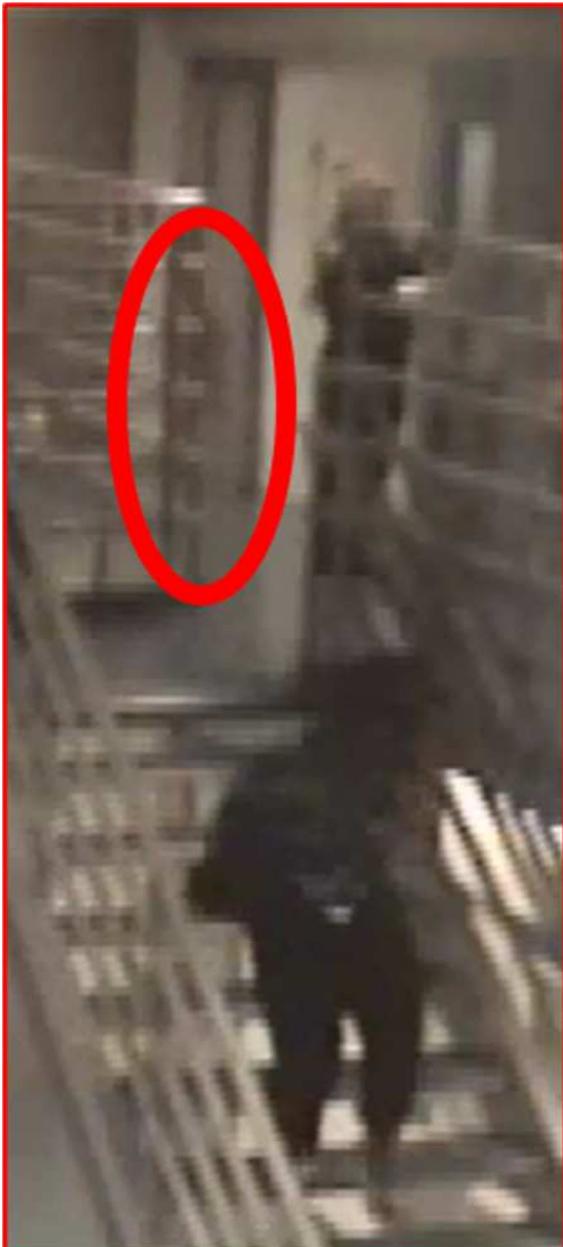
**Chronological Overlay of Evidence During the Missing 21 Minutes Videotape (7:08:59 a.m. to 7:29:59 a.m.)**

- Surveillance camera EB200.15 captures the stairs leading to the upper level and the cells adjacent to EB.208, which is the main ingress/egress to the upper level of cells. This camera does not show the door to EB.208. The camera shows Magana conducting a safety check at 7:25:20 a.m. As Magana walked up the stairs to the second level, Bratton can be seen conducting the safety check on the lower level. Magana went off camera for 55 seconds then re-entered the frame as she continued down the second level conducting the safety check. She completed the check and walked back toward the stairs, went off camera for five seconds, and re-entered the frame to walk down the stairs. Magana’s safety check, from the time she walked up the stairs to the time she walked down the stairs, was less than two minutes. Magana and Bratton noted nothing of significance during these checks and no other activity is seen on the stairs or landing servicing the upper level of cells between 7:08:59 a.m. to 7:29:59 a.m.
- The surveillance videotape resumes at 7:29:59 a.m.
- Wilson called Lisa H. from her cell at 7:45:15 a.m. according to the automated log for the telephone in Wilson’s cell which indicates the date and time of the telephone call, the number called, and the length of the call. The telephone call was 47 seconds in length and terminated at 7:46:02 a.m. The time of Wilson’s telephone call is also confirmed by the content of the call. Wilson asked Lisa H. for the time. Lisa H. responded, “7:45.” A copy of the log of that telephone call is shown below:

Station	Location	Dest	PIN	Alias	Last	First	Start Time	End Time	Length	Cost	Start	End	filename
2136870103	EAST B CELL 208	██████████ 5025					3/27/2016 7:45:15 AM	3/27/2016 7:46:02 AM	00:00:47	\$3.27	DTMF Call Accepted	Station Hung Up	brpr3rLv16

- From 7:29:59 a.m. through the time that the fire department transported Wilson to the hospital, the videotape recorded continuously, without interruption.

- At 7:53:24 a.m., Magana escorted Jazmine M. out of the cell and re-locked the door, leaving Wilson alone in the cell. Magana did not note anything out of the ordinary with Wilson except Wilson would not comply with Magana's order to move away from the cell door.
- Approximately one minute after Jazmine M. exited the cell and Magana closed the cell door, there appears to be a change in the shadowing in the lower window of cell EB.208 indicating Wilson was alive, moving in the cell, and possibly positioned near the lower window after Jazmine M. exited, which is where she was discovered unconscious at 8:26 a.m. That change in shadowing is shown in the surveillance video frames below:



- Jazmine M., the detention officers, and other inmates did not indicate that anything unusual occurred between jail staff or anyone else and Wilson during the questioned time frame.
- None of the inmates interviewed as part of this investigation reported hearing Wilson yell anything while they were housed in B block. Cinthya R. reported that it was “dead silent” during that time frame.

In sum, it appears that the deletion of 21 minutes of videotape and the failure to collect videotape from the sally port area adjacent to Wilson’s cell was inadvertent. Based on other evidence from in and around that time frame, there is no indication of illegal conduct by anyone during that period. Notably, that evidence includes Wilson’s telephone call to her mother which occurs at 7:45:15 a.m. *after* the videotape resumed. Wilson does not indicate anything in her voice or words in that telephone call that there was a problem with either her cellmate or with jail staff or anyone else. Moreover, there is videotape evidence that suggests movement inside of Wilson’s cell after Jazmine M. was removed from the cell at 7:56 a.m., further indicating that Wilson was alive in her cell *after* the video resumed and no one caused her harm. This provides compelling evidence that nothing unusual occurred during the missing 21-minute segment and belies any notion that there was a deliberate act to delete that segment or that an unknown person was able to access Wilson’s cell, either via the stairway, the closet next to her cell, or the sally port area, and cause her harm. The only conceivable reason to delete the subject videotape or fail to collect it as evidence would be to conceal misconduct by jail staff who intended to inflict harm on Wilson, forced her to hang herself, or allowed another inmate to cause her harm. Yet there is conclusive evidence that Wilson was alive, responsive, and animated after the videotape resumes, as confirmed by Wilson’s telephone call to her mother after the videotape resumed. This contradicts any notion that jail staff or anyone else acted maliciously or used any force against Wilson, or deliberately destroyed evidence.

### **Coroner Report and Cause of Death**

On March 31, 2016, Deputy Medical Examiners Matthew Miller, M.D. and Juan Carrillo, M.D. of the Los Angeles County Medical Examiner’s Office conducted an autopsy of Wilson’s remains. They observed external ligature impressions on the front of Wilson’s neck. There was no other trauma to Wilson’s body. The toxicology report showed the presence of Sertraline in Wilson’s blood. The medical examiners ruled that the cause of Wilson’s death was hanging, and the manner of death was suicide.

## **LEGAL ANALYSIS**

### **Manner of Death**

A review of the totality of the evidence in this case shows that Wilson was alive when Jazmine M. was removed from the cell at 7:53 a.m. Wilson was left alone in her locked cell and there is no evidence that anyone entered or exited Wilson’s cell until she was discovered unresponsive approximately 33 minutes later. There is conclusive evidence that the manner of Wilson’s unfortunate death was suicide, which is corroborated by the Deputy Medical Examiners’ findings.

## **Criminal Negligence and Involuntary Manslaughter**

With regard to the issue of whether LAPD staff members should have been more responsive to Wilson's statements and actions in her cell and/or failed to act or were indifferent to her signs of distress, there is insufficient evidence to prove beyond a reasonable doubt that LAPD personnel were criminally negligent and therefore culpable of involuntary manslaughter.

A person or entity may be guilty of involuntary manslaughter for failing to act if: 1) the defendant had a legal duty to the decedent; 2) the defendant failed to perform that duty; 3) the defendant's failure was criminally negligent; and 4) the defendant's failure caused the death of the decedent.<sup>9</sup>

Primarily, LAPD owes a duty to use reasonable care in caring for persons in their custody.

Criminal negligence, however, is defined as an act that is "so different from the way an ordinarily careful person would act in the same situation that [the] act amounts to disregard for human life or indifference to the consequences of that act."<sup>10</sup>

The evidence presented in this investigation indicates that Wilson had mental health issues and was evaluated by MDC medical personnel in that regard. However, according to Wilson's medical screening questionnaire and witness statements from medical personnel, Wilson denied any "prior mental history", although she admitted to Nurse Jurado and Physician Assistant Hitchcock that she had taken Abilify and Sertraline earlier in the day. Wilson was asked specifically if she had any suicidal or harmful ideations and she denied having those thoughts. Wilson did not convey any suicidal ideations to her mother either, and displayed an opposite emotion.<sup>11</sup> However, there is evidence that Wilson verbalized her intent to harm herself to her cellmate, Jazmine M., who dismissed Wilson's conduct as "drama."

In sum, based on a review of the totality of the evidence in this case, it is evident that Wilson had mental health issues and was taking medication, was upset about her negative pregnancy test, was distressed after having been moved from her dorm and into a two-person cell, was feeling claustrophobic, and may have been distraught about being informed in a telephone call with her mother that she would not be able to speak with her son on the telephone later that day. When she was booked she was given a medical and psychiatric evaluation, was prescribed medication, and was seen routinely and on schedule by jail staff, as required by law. Although there is evidence that LAPD personnel knew that Wilson had mental health issues, there is insufficient evidence to prove beyond a reasonable doubt that Wilson's suicidal ideations were conveyed to LAPD personnel to place them on actual or constructive notice of the risk of leaving Wilson alone and in her cell for approximately 33 minutes. Based on a reasonable interpretation of the evidence, the conduct of the jail staff did not amount to disregard for human life so as to create criminal liability for Wilson's death.

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<sup>9</sup> *Penal Code § 192(b); CALCRIM No. 582.*

<sup>10</sup> *CALCRIM No. 581; see also, People v. Penny (1955) 44 Cal.2d 861.*

<sup>11</sup> Silence, the giving of cryptic clues, and the deception of displaying *opposite emotions* are hallmarks of suicide. See Louis Everstine, *The Anatomy of Suicide: Silence of the Heart* (Charles C. Thomas: 1933).

## **Causation**

As indicated above, to confer criminal liability for involuntary manslaughter by failing to act while under a legal duty to do so, the defendant's failure to act must have been the "cause" of a person's death. An act causes death if the death is a direct, natural, and probable consequence of the act and the death would not have happened without the act.<sup>12</sup> A natural and probable consequence is defined as a result that a "reasonable person would know is likely to happen if nothing unusual intervenes."

The evidence in this case establishes that, even though LAPD knew that Wilson had mental health issues, there is insufficient evidence to prove that her suicidal ideations and/or conduct was communicated to them. Jazmine M. was aware that Wilson was acting suicidal but she was uncertain if Wilson had communicated that fact over the intercom to jail staff, which is consistent with the interviews of other inmates and staff who said they did not know that Wilson was feeling suicidal, as described by Jazmine M. There is insufficient evidence to impute that knowledge to the jail staff. Based on a totality of the evidence, there is insufficient evidence to prove that a reasonable person would have known that leaving Wilson alone for approximately 33 minutes would result in her death. Wilson's death was unforeseeable and therefore there is insufficient evidence to prove that LAPD's failure to act, if any, was the legal "cause" of Wilson's death.

## **Conclusion**

Based on a review of the totality of the evidence in this case, there is insufficient evidence to prove that Jazmine M., LAPD personnel, or anyone else has criminal responsibility for Ms. Wilson's death. We are closing our file and will take no further action in this matter.

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<sup>12</sup> CALCRIM No. 582. See also *People v. Roberts* (1992) 2 Cal 4<sup>th</sup> 271.